



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Discontinue Silent Alarm Service Monitored by Police Department
MEETING DATE: March 4 1992
PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council **concur** in the action of stiff to discontinue ~~the~~ silent alarm **service** monitored by the Police Department.

BACKGROUND INFORMATION: Last summer the City Council was advised via a memorandum that it was the City's **intention** to **terminate** the silent alarm service monitored by the Police Department. That memo advised that "unless I (City Manager) hear from Councilmembers to the contrary, we will move ahead with this effort....." A second memo was sent to the City Council last November referencing the earlier memo and stating that "we are now ready to do so (terminate) and will proceed as planned."

The Police Department, in a letter dated January 3, 1992, advised the 28 subscribers to this service that the department would no longer maintain the silent alarm board. The letter gave a **disconnect** deadline of February 6, 1992, with a provision for a 30-day extension from that date if the time frame created a hardship. This deadline was subsequently extended an additional 30 days to April 6, 1992. Two months have elapsed since the notification letter was mailed and as of this writing the Police Department has received just two calls of complaint. One complainant was unhappy initially, but **understood** the reasons for the action. He was granted a 30-day extension and advised the Police Department that he was moving ahead with addressing his silent alarm needs. The only other complaint was received from Mr. David Rice, owner of Bitterman's Jewelry, 10 N. School Street, who appeared before the City Council at its regular meeting of Wednesday, January 15, 1992, to present his protest in person.

There are a small number of City and County **work** stations and equipment rooms connected to the system and the dispatchers will continue to monitor those until the system completely "crashes." Over half of these are located in the Public Safety Building (Police Department) itself. These alarms are almost never activated and thus pose little, if any, additional load on the dispatchers. Upon the complete failure of the existing alarm system, the City will evaluate alarm system technologies at that time and recommend action as deemed appropriate.

APPROVED

THOMAS A. PETERSON
City Manager



recycled paper

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The reasons for the decision to terminate this service were enumerated in the original memo distributed to the City Council. They bear repeating:

- . It has been determined that this silent alarm board operation is obsolete.
- . The system has become periodically unreliable, and we are experiencing problems and an increasing difficulty in locating parts.
- . We have created a false sense of security for those businesses currently tied into the system.
- . There exists the potential of City liability and as a result, the majority of California cities **no** longer provide this service.
- . There are a number of local alarm companies available to provide this service.

As a direct result of Mr. Rice's requests for additional information, proposals to install a replacement system were solicited from four private alarm companies. Two were Lodi firms; **one** in Stockton; and one in the Bay Area (San Mateo). The bids ranged widely from a low of 514,800 to a high of \$44,649. The range would lead one to logically conclude that the various equipment proposed also varied widely in capabilities.

The issue here is **not** whether a silent alarm system can be installed at a cost of \$14,000 or \$44,000. The issue is: should the City of Lodi remain in the silent alarm business? It is the recommendation of staff that the City should **not**. The Dispatch Center is already crowded with calls for service, many of which are of an emergency nature, and some of which bear directly **on** the life safety of **the officers** involved. In the midst of this activity, the City's dispatchers should not be saddled with the additional burden of having to prioritize responses to silent alarms. The department has always, and will continue to respond to silent alarms. But the screening of these alarms should be the responsibility of private alarm companies who are in the business **of** providing this kind of service. The fact that approximately 90%-95% of the silent alarm calls the Police Department receives are "false alarms" lends further support to the City's termination of this service. It is important to note that there remains in San Joaquin County not a single other law enforcement agency still in the silent alarm business.

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Finally, there are significant numbers of previous subscribers to the service who have already made arrangements to convert their alarm systems to private alarm companies. They have done so at no small expense. It has cost them money. For example, all of the banks and savings and loan institutions are no longer connected to the City's silent alarm board. With the exception of Mr. Rice, the City has not heard from any of the remaining handful of businesses and residents who had previously subscribed to this service. Having received no inquiries from these individuals in the two months since the original contact regarding the termination of service was made, we can only assume that they have either made other arrangements or have concluded they have no continued need for alarm services.

To now renege on the City's prior announcement that it would be terminating this service would be most unfair to those businesses and residents who have taken the City at its word.

FUNDING: None required

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thos. A. Peterson".

Thomas A. Peterson
City Manager

TAP:br

CITY OF LODI
MEMORANDUM FROM THE OFFICE OF THE CITY ATTORNEY
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To: Lieutenant Jim Schick, Lodi Police Department
From: Bob McNatt, City Attorney
Date: January 30, 1992
Subject: ALARM SYSTEM LIABILITY

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I have now had a chance to do a bit of research on the questions you asked about the possibility of a "special relationship" between the City and subscribers to the alarm system maintained by the Police Department. Although case and statute law guidelines are not perfectly clear, it appears that in some circumstances, the City might be liable to alarm subscribers for damage or injury caused by third parties.

As a starting point, public entities are generally immune from liability for failure to provide police protection (Government Code Section 845), or failure to make an arrest (Government Code Section 846). There is also a fair number of cases affirming that general rule, such as Antique Arts Corp. v. City of Torrence (1974) 114 Cal. Rptr. 332; Van Batsch v. American District Telegraph Co. (1985) 222 Cal. Rptr. 239; and Lopez v. City of San Diego (1987) 235 Cal. Rptr. 583.

However, all these cases have been careful to say that no liability is involved if no "special relationship" exists. The Lopez court also pointed out that circumstances giving rise to such liability should be "narrowly circumscribed." I believe that creates a rebuttable presumption in our favor.

Some situations, however, have resulted in "special relationship" liability. In Carpenter v. City of Los Angeles (1991) 281 Cal. Rptr. 500, the court found the City liable based on a duty to warn a witness of a robber's alleged plan to kill him after detectives assured the victim that there was "no real danger" and he relied on that assurance. It is a little hard for me to distinguish between the Carpenter case and H. B. (Jane Doe) v. City of San Diego (1991) 284 Cal. Rptr. 555 in which the court found no liability after police assured a victim of a burglary that "These guys never come back." The suspect did, in fact, return and raped the victim after police became aware of his threats to do so. This is why I said that the guidelines are not exactly clear. I suspect the difference between these two cases was simply a factual finding by the jury with more compelling evidence in Carpenter than in M. B. showing that police actions somehow placed the victim at greater risk.

The best I can find as far as a test to see if a "special relationship" exists is in the M. B. v. San Diego case. The court here said a special

WE, THE UNDERSIGNED, REQUEST THE CITY COUNCIL OF THE CITY OF LODI TO DIRECT
THAT THE LODI POLICE DEPARTMENT CONTINUE TO MONITOR BURGLAR ALARMS DIRECTLY.

BUSINESS NAME	ADDRESS	SIGNATURE
The Clothes Closet		
1 Cynthia Lewis	20 N. School St	Cynthia Lewis
2 John Boudli Jewellers	9 N. School	John Boudli
3 John T. - CHRISTENSEN	5 N. School	John T.
4		
5 Al's Wheel & Brake	334 E. Lockwood St.	Al's Wheel & Brake
6 Barbara McWilliam - Pomona TV	208 S. School St	Barbara McWilliam
7 Henderson Bros. Co. Inc.	21 S. Sacramento	Henderson Bros. Co. Inc.
8 Tim Alper (Giant Disc Tire)	100 S. Sacramento	Tim Alper
9 DON YORK, NATIONWIDE	601 N. SACRAMENTO ST.	DON YORK
10 Rattler Truck "Chap A"	110 E. Cherokee Ln	Rattler Truck
11 B. H. H. H. H.	10 N. School St	B. H. H. H. H.
12 Lodi Office Products	21 N. School St	Lodi Office Products
13 Cindy B. B. B. B.	21 School St	Cindy B. B. B. B.
14 NEW U. BUFFALO	100 W. Main	NEW U. BUFFALO
15 S. S. S. S. S.	100 W. Main	S. S. S. S. S.
16 Apache Armory	920 S. Cherokee Ln	Apache Armory
17 K. K. K. K. K.	241 S. CHENIX RD	K. K. K. K. K.
18 K. K. K. K. K.	241 S. CHENIX RD	K. K. K. K. K.
19 Michael R. Hester	214 N. Sacramento	Michael R. Hester
20 The Dining Shop	25 W. Main St.	The Dining Shop
21 Nick's Gun Works	400 E. Lodi Ave	Nick's Gun Works
22		
23		
24		
25		

CITY COUNCIL

JAMES W. PINKERTON, Mayor

PHILLIP A. PENNINO

Mayor Pro Tempore

DAVID M. HINCHMAN

JACK A. SIEGLOCK

JOHN R. (Randy) SNIDER

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THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

February 6, 1992

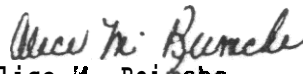
Mr. David Rice

Dear David:

This letter will confirm that reconsideration of the decision to discontinue the Police Department's monitoring of silent alarms will appear on the Regular Calendar of the Agenda for the City Council meeting of March 4, 1992.

Should you have any questions. please do not hesitate to call this office.

Very truly yours,



Alice M. Reimche
City Clerk

AMR/jmp